

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILMER B. GAY,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	
	:	
ROBERT D. SHANNON, et al.,	:	NO. 02-CV-4693
Defendants	:	

ORDER

AND NOW, this day of , 2005, upon
consideration of Plaintiff's Third Motion to Compel Discovery, Motion for
Sanctions and Motion for Extension of Discovery Time, and Major
Mooney's Response thereto, it is hereby ORDERED that Plaintiff's
Motions are DENIED.

BY THE COURT:

NORMA L. SHAPIRO, S.J.

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	:	
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	:	
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Defendants	:	

**RESPONSE TO PLAINTIFF'S MOTION TO COMPEL, SANCTION AND
EXTEND DISCOVERY**

Defendant Mooney incorporates by reference his response to Plaintiff's Motion for Judicial Notice of Video Deposition, his responses to plaintiff's previous motions to compel, denies any factual allegations not previously admitted, and states the following in response to plaintiff's Motion to Compel, Sanction and Extend Discovery:

In responding to plaintiff's discovery requests, defendant Mooney honored this Court's May 25, 2005 Order providing the defendant Mooney will respond to the discovery requests which deal only with the issues that remain in this case. Plaintiff is on a fishing expedition, trying to use discovery in this case to help his other cases, past and present. The only issue which remains was whether defendant Mooney had a reasonable basis to believe the plaintiff had compromised the security of the Institution and whether plaintiff's eventual transfer was for that breach or because he acted as a witness on behalf of another inmate in an unrelated case. Defendant Mooney provided plaintiff with all of the

documents relevant to that investigation. Accordingly, Plaintiff's Motion to Compel, Sanction and Extend Discovery should be DENIED.

THOMAS W. CORBETT, JR.
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle
Patrick J. McMonagle
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Chief, Litigation Section

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CERTIFICATE OF SERVICE

I, Patrick J. McMonagle, Deputy Attorney General, hereby certify that a true and correct copy of the Commonwealth Defendant's Response to Plaintiff's Motion to Compel, Sanction and Extend Discovery was filed electronically and is available for viewing and downloading from the ECF system as of July 1, 2005. I further certify that a true and correct copy of said document was mailed on July 5, 2005:

Wilmer Gay
Inmate AF-2709
State Correctional Institution - Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

THOMAS W. CORBETT, JR.
ATTORNEY GENERAL

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